IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 19728 of 1994

Between:

1 G.Sudhakar, S/o. G.Nagaraju.
Tirupathi.
2 M.Venkataramana, S/o. M.Chinnapapaiah,
Tirupathi.
3 T.Ravi, S/o. T.Subba Ramaiah.
EE Division-V, TTD., Hyderabad.
4 T.Balavardha Raju, S/o. Manekyam.
Tirupathi.
5 M.Nagaraju, S/o. M.Guravaiah.
Tirupathi.
6 M.Munikrishnaiah, S/o. M.Munaiah.
Tirupathi.
7 N.Govindarajulu, S/o. N.Paradesi.
Tirupathi.

...PETITIONER(S)

AND

1 The Executive Officer, TTD., Tirupathi,
Chittoor.
2 Dy.Executive Officer (Services) TTD., Tirupathi,
Chittoor.
3 Chief Engineer, TTD., Tirupathi,
Chittoor.

..RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue an appropriate writ, more in the nature of a Writ of Mandamus declaring the action of the Respondents in not following the Rule of Reservation in filling the posts as Assistant Engineers by Recruitment by Transfer as being arbitrary, and illegal and violative of Art. 14 and 15(4) of the Constitution of India and issue a consequential direction to the cadre of Assistant Engineers considering the case of the Petitioners and issue such other Writ or order or direction as deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.CH.SAMSON BABU

Counsel for the Respondents: MR.A.K.JAYAPRAKASH RAO STANDING COUNSEL FOR T.T.D.

The Court made the following :

ORDER

This Writ Petition is filed challenging the action of the respondents in not following the Rule of Reservation for Scheduled Castes and Scheduled Tribes, and not considering the cases of the petitioners in filling the posts of Assistant Engineers as arbitrary and illegal.

The case of the petitioners is that they were selected and appointed as Work Inspectors by the 1st respondent vide ROC No.TLI/24973/93 dated 4-8-1993 under S.C. and S.T. quota. It is their further case that they have completed 3 years Diploma in Engineering courses, and as such they are eligible for transfer on promotion to the post of Assistant Engineers in the existing reserved vacancies for S.C. and S.Ts.as per roster pursuant to G.O.Ms.No.375, dated 26-4-1994. It is further stated that the respondents have appointed 41 candidates to the post of Assistant Engineers by transfer giving a go bye to the policy, neither prepared any roster nor given appropriate percentage to SCs and STs even though qualified candidates are available. Now the respondents are seeking to fill up vacancies by way of transfer. It is also stated that one Subramanyam was promoted to the said post who is junior to the petitioners.

The respondents filed counter stating that the petitioners are Work

Inspectors in T.T.D, and no recruitment was done from the cadre of Work Inspector to the post of Assistant Engineer. G.O.Ms.No.375, dated 26-4-1994 stipulates that persons acquiring higher qualifications in any field, and working in any other section of departments, shall be appointed by transfer, as and when vacancies arise within the management of T.T.D. as first priority. The post of Assistant Engineer will be filled by direct recruitment or by transfer by way of promotion from the cadre of Draughtsman Grade II and there are several persons working in the department possessing LCE/LME/DCE/DME qualifications for promotion to the post of Asst., Engineer. It is also further stated that the petitioners herein are working only as Work Inspectors since August, 1993, as per rules the work Inspectors with at least five years of service, will be considered as Draughtsman Grade II and there is no provision for the work Inspectors to be considered to be eligible for promotion to the post of Assistant Engineers. The petitioners joined in service only one year four months back and they are far juniors in that cadre. They asserted categorically that whenever recruitment is made the respondents will follow all the rules of reservation duly preparing the roaster.

It is not in dispute that initially the petitioners were appointed as Work Inspectors, in the year 1993. The post of Assistant Engineers can be filled by direct recruitment or by transfer by way of promotion from the cadre of Draughtsman Grade II which is a feeder cadre for the said post, and as per the counter averments, there are also some persons working in the department possessing requisite qualifications for promotion to the cadre of Assistant Engineers. That apart priority will be given to the cadre of Draughtsman II who possess LCE/LME/DCE/DME qualifications and it is not in dispute that the petitioners joined in service as Work Inspectors, just one year four months back at that relevant point of time and they are juniors. The petitioners do not make out a case warranting interference of this Court except making bald allegations. In this view of the matter, I do not see any ground to entertain the claim of the petitioners.

The Writ Petition fails and it is accordingly dismissed. No costs.

28-10-2004

Hsd

Asst.Registrar

// true copy //

Section Officer

To,

1 The Executive Officer, TTD., Tirupathi, Chittoor.
2 Dy.Executive Officer (Services) TTD., Tirupathi, Chittoor.
3 Chief Engineer, TTD., Tirupathi, Chittoor.

4. 2 C.D.copies